Secrt. II-27—58,004—27-10-47.

(20)

Home (194 9) Department.

Pamis 50

Ms SERIES.

G.O. NO. 82

Dated 5th January 1949

[Despatch Abstract.]

Courts - Civil - South Kanara district - Appointment of an additional Dist.Munsif to each of the Dist.Munsifs' courts at MANGALORE and KARKAL - Sanctioned.

E

R.O.C.No.8064/48-D2.

ASSISTANT SECRETARY TO GOVERNMENT
8 - DEC 1948
HOME DEPARTMENT

102814 G

From

K.N.Ganpati Esquire, B.A., Bar-at-Law,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department, Madras

with (enclosures 2)

Dated 6th December 1948.

Sir,

Sub: Courts - Civil - South Kanara district
(1) appointment of additional District Munsifs at Mangalore and Karkal,
(2) establishment of a separate District Munsif's Court at Hosdrug or appointment of a second additional District Munsif at Kasargod.

--

I am to forward for orders of Government a copy of letter No. A 487/48 dated 10/23-11-48 from the District Judge, South Kanara, on the subject cited.

2 As regards Mangalore and Karkal, the Hon'ble the Judges recommend, as a special case, (1) the appointment of an additional Distric Munsif with the usual staff of 3 clerks (one with shorthand qualification) and 2 peons to the District Munsif's Court Mangalore from 3-1-49 up to the closing of the Court for summer-recess 1949 and (2) the appointment of an additional District Munsif with the usual staff mentioned above to the District Munsif's Court Karkal for a period of six months from the date of re-opening of the Court after summer-recess 1949.

3 The extra cost involved in the proposal during the current year will be met from the existing appropriation. I am to request that necessary provision may be made in the budget estimate for 1949-50.

4. As regards Kasargod, I am to point out the steady increase in the pendency in that District Munsif's Court and to request that early orders may be issued on the question of establish of a new District Munsif's Court at Hosdrug. (Please see

correspondence resting with Home Department's endorsement No. 86726-E/48-1 dated 15-10-48). The Hon'ble the Judges consider that, if early orders are not to be expected on the above question, a second additional District Munsif at Kasargod is urgently necessary and recommend accordingly.

REGISTRAR.

Copy of letter No.A.487/48 dated 10th November 1948 from the District Judge, South Kanara to the Registrar, High Court, Madras.

--

Sub: Courts - Civil - Appointment of additional District Munsifs at Kasaragod, Mangalore and Karkal - proposals submitted.

Ref: High Court Proceedings R.O.P.No.2/1948-D6 dated 27-9-1948.

--

With reference to the above communication, I have the honour to report as follows:-

2. An additional District Munsif has been functioning in the District Munsif's Court of Kasaragod since June 1942. An additional officer was functioning in the District Munsif's Court, Coondapur from 15-6-1944 till the end of 1945. This additional officer was then transferred to the District Munsif's Court, Udipi as Additional District Munsif with effect from 2-1-46 and continued to function in that Court till 2-12-1946. The arrears which had accumulated in the two latter Courts were thus cleared and the file was reduced to normal. In the meantime, the pendency is seen to have risen very considerably in the District Munsif's Courts of Karkal and Mangalore. In the District Munsif's Court of Kasaragod, the pendency has been steadily increasing all these years, though two officers have been continuously working there since 1942. In the District Munsif's Court of Udipi also, the pendency has been largely on the increase since 1946.

3. An additional officer was sanctioned to the District Munsif's Court, Kasaragod when the pendancy of Original Suits was 655 (172 old). Nevertheless, the pendency has been definitely on the increase, the figure at the end of last September standing at 1154 (478 old). This is due mainly to the phenomenal rise in the institution of suits in that Court since 1942, which still shows no signs of dropping. The sub-joined table shows at a glance the institutions and disposals in that Court since 1942.

Year	Instituted.	Disposed of	Pending at the end of the year	
			Total	Old
1942	705	788	655 489	172 (on 3-6-42) 73

1943	936	819	654	43
1944	846	757	796	205
1945	898	966	766	161
1946	816	764	854	240
1947	879	732	1031	327
1948 (upto 30-9-48)	675	613	1154	478

4. Having regard to the heavy institutions, the rate of disposals and the accumulation of arrears in the District Munsif's Court, Kasaragod - the total pendency of Original Suits being nearly twice as large and that of old suits being nearly three times as large as that obtainingon 3-6-1942 - the appointment of a second additional officer to that Court seems to be inevitable in order to bring down the arrears to reasonable proportions. A provisional recommendation in this regard has been made in this Court's letter No.A.376/48 dated 12-8-1948. The question of the appointment of a second additional officer to that Court was not pressed earlier by reason of the fact that a proposal to establish a separate Court at Hosdrug was being considered in the meanwhile. In this connection, I invite a kind reference to this Court's letter No.A.763/46 dated 20-12-46 and letter No.A.455/47 dated 22-12-47 addressed to the High Court.

5. The state of file obtaining in the other District Munsif's Courts in this District can be seen from the two statements (A and B) appended herebelow:

A.

Statement showing the pendency of Original Suits in the several District Munsif's Courts in the District on 31-3-1948, 31-8-1948, 30-9-1948 and 31-10-1948.

Name of Court	Pendency on 31-3-1948		31-8-1948		30-9-1948		31-10-1948	
	Total	Old	Total	Old	Total	Old	Total	Old
District Munsif's Courts of								
Coondapur ..	334	17	373	58	379	63	370	53
Karkal ..	365	110	463	135	462	139	453	138
Kasaragod ..	969	349	1145	469	1154	478	1154	485
Mangalore ..	428	104	472	145	458	145	454	143
Puttur ..	307	22	362	48	346	46	342	44
Udipi ..	344	107	381	106	389	116	367	118

B.

Statement showing the institutions and disposals of Original Suits in the several District Munsif's Court in the District during the first nine months of the current year (1-1-1948 to 30-9-1948) and the monthly average

Name of Court.	Instituted		Disposed of		Disposed of after full trial	
	Total	Monthly average	Total	Monthly average	Total	Monthly average
District Munsif's Courts of						
Coondapur	499	55	486	54	118	13
Karkal	408	45	300	33	79	9
Kasaragod (with 2 officers)	675	75	613	68	244	27
Mangalore	397	44	395	44	164	18
Puttur	364	40	375	41	147	16
Udipi	394	44	367	41	115	13

6. Statement A shows at a glance that barring the District Munsif's Court, Kasaragod, which has exceptional features as already mentioned, the District Munsif's Court, Mangalore leads with the highest total pendency of Original Suits (454) and the highest pendency of old suits (143), followed closely by District Munsif's Court, Karkal, with 453 (138 old) suits. These are followed by District Munsif's Court of Udipi, which has a total pendency of 367, and by District Munsif's Court of Coondapur, with a total pendency of 370, which may not be regarded as particularly high, though the pendency of old suits in Udipi (118) is certainly high and out of proportion to the total pendency. The marked rise in pendency in every Court during the II statistical period is chiefly due to the intervention of the summer recess and so may be disregarded for the present purpose. Statement B shows that apart from Kasaragod, it is the District Munsif's Court, Karkal, which shows the greatest disparity between institutions and disposals, which would indicate that the pendency is not likely to be reduced in the near future with a single officer. Similarly, the District Munsif's Court, Mangalore, also is not likely to reduce its arrears to any large extent with a single officer, though the disposals more or less keep pace with the institutions. These two Courts, in addition to Kasaragod, would require an additional officer for at least a short period to clear the arrears. The District Munsif of Mangalore suggests that an additional officer may be sanctioned to his Court now only for a term of six months. The District Munsif of Karkal suggests that an additional officer may be sanctioned to his court for the second half of 1949, by which time he hopes to reduce the pendency at least to some extent. In approving the two suggestions, I would recommend to the High Court the appointment of an additional officer to the District Munsif's Court, Mangalore, as early as possible, preferably from the beginning of 1949, for a period of six months and transfer the additional officer to Karkal thereafter to function in that Court for six months and clear the arrears in that Court. The question of transferring the additional officer to the District Munsif's Court, Udipi, may perhaps be taken up for consideration some time later, after watching the out-turn of work in that Court in the meantime.

7. It has not been found possible to extract more work from the several District Munsifs in this District. The District Judge has been impressing upon them through the monthly reviews the necessity to put forth more effort and reduce the file to normal. Most of the District Munsifs in this District are comparatively junior officers who lack experience. They are found to be working hard and their out-turn in the normal circumstances

cannot be regarded as inadequate.

8. In conclusion, I recommend that the High Court may be pleased to sanction the appointment of a second additional officer to the District Munsif's Court, Kasaragod for a term of one year and an additional officer to the District Munsif's Court, Mangalore, for a term of six months, as early as possible, making provision simultaneously for the transfer of the additional officer to be sanctioned to the District Munsif's Court, Mangalore to the court of the District Munsif of Karkal and function inthe latter court for a period of six months. I may state that this would involve additional expenditure on staff of 3 clerks (inclusive of a short-hand writer) and 2 peons for each additional officer and also expenditure on accommodation in the case of District Munsif's Court, Kasaragod, where it may be necessary to take a private building on rent. Some little expenditure on furniture, including a typewriter, even after reducing the requirements to the barest minimum will have to be incurred in the case of the second additional officer at Kasaragod. As for the additional officer to be appointed to the District Munsif's Court, Mangalore, the furniture of the additional Court which worked in Udipi in 1946 may be made use of. A detailed report on accommodation and furniture will be submitted when called for.

K

Mp 7-13 infra

9. A statement in duplicate showing the institutions, disposals and arrears for the last three years and for the current year up to 30-9-1948 is enclosed.

(True Copy)

T. Ramachandra Rao

Sub-Assistant Registrar, 7.12.48

PP

Sd.

Statement showing the institutions, disposals and arrears in the several District Munsif's Courts in the District of South Kanara for the years 1945, 1946 and 1947 and for the current year 1948 up to 30-9-1948.

Name of the presiding officer.	Period presided over.	Instituted.	Disposed of		Still pending.	
			After full trial	Total	Total	Old.
DISTRICT MUNSIF'S COURT, COONDAPUR.						
ORIGINAL SUITS.						
1945.						
Sri U. Narayana Rao (Addl. D.M. from 10-4-45 to 1-6-45 & 7-9-45 to 24-12-45 and sole D.M. from 25-12-45 to 31-12-45)	1-1-45 to 31-12-45		117	313		
Mr. A. Rahim Ahmad, Addl.D.M. to 9-4-45 and 2-6-45 to 6-9-45	1-1-45		73	229		
Sri E. Krishnamurthi, Prl. D.M. to 1-6-45	10-4-45		6	11		
Sri M. Ramamurthi, Prl. D.M. 24-12-45	7-9-45 to		57	137		
Total for the court.		504	253	690	249	38
1946.						
Sri U. Narayana Rao	1-1-46 to 30-5-46		41	149		
" M. Radhakrishna Kini	3-6-46 to 31-12-46		98	403		
Total for the court		592	139	552	312	13
1947.						
Sri M. Radhakrishna Kini		692	146	670	339	7
1948.						
Sri M. Radhakrishna Kini	1-1-48 to 20-8-48		109	413		
" U. Narayana Rao	30-8-48 to 30-9-48		9	73		
Total for the court		499	118	486	379	63
SMALL CAUSE SUITS.						
1945.						
Sri U. Narayana Rao (Addl.D.M.from 10-4-45 to 1-6-45 and 7-9-45 to 24-12-45 and sole D.M. from 24-12-45 to 31-12-45).	1-1-45 to 31-12-45		32	337		
Mr. A. Rahim Ahmad Addl. D.M. to 9-4-45 and 2-6-45 to 6-9-45	1-1-45		17	196		
Sri E. Krishnamurthi, Prl. D.M. to 1-6-45	10-4-45		1	9		
Sri M. Ramamurthi, Prl. D.M. 24-12-45	7-9-45 to		10	118		
Total for the court.		646	60	660	88	3
1946.						
Sri U. Narayana Rao	1-1-46 to 30-5-46		9	203		
Sri M. Radhakrishna Kini	3-6-46 to 31-12-46		41	499		
Total for the court		683	50	702	73	15

Name of presiding officer.	Period presided over.	Instituted.	Disposed of After full trial	Disposed of Total.	Still pending Total	Still pending Old.
1947.						
Sri M. Raghakrishna Kini		809	51	750	136	28
1948.						
Sri M. Radhakrishna Kini	1-1-48 to 20-8-48		36	494		
Sri U. Narayana Rao	30-8-48 to 30-9-48		6	119		
Total for the court..		682	42	613	190	1

DISTRICT MUNSIF'S COURT, KARKAL.

ORIGINAL SUITS.

1945.						
Sri B. Koragappa		440	143	457	295	58
1946.						
Sri B. Koragappa	1-1-46 to 31-5-46		47	139		
Mr. D. Noronha	3-6-46 to 31-12-46		81	281		
Total for the court.		430	128	420	309	90
1947.						
Mr. D. Noronha		454	136	431	349	102
1948						
Mr. D. Noronha	1-1-48 to 27-5-48		42	115		
Sri K.Vittal Kamath	28-5-48 to 30-9-48		37	185		
Total for the court		408	79	300	462	139

SMALL CAUSE SUITS.

1945.						
Sri B. Koragappa		361	57	349	63	1
1946.						
Sri B. Koragappa	1-1-46 to 31-5-46		12	111		
Mr.D.Noronha	3-6-46 to 31-12-46		34	229		
Total for the court		335	46	340	60	15
1947.						
Mr. D. Noronha		338	51	321	79	27
1948.						
Mr. D. Noronha	1-1-48 to 27-5-48		13	110		
Sri K.Vittal Kamath	28-5-48 to 30-9-48		4	207		
Total for the court		370	17	317	131	30

Name of presiding officer.	Period presided over.	Instituted.	Disposed of: After full trial	Disposed of: Total.	Still pending: Total	Still pending: Old.
DISTRICT MUNSIF'S COURT, KASARAGOD.						
ORIGINAL SUITS.						
1945.						
Mr.P.A.Nazareth, Prl.D.M.	1-1-45 to 31-10-45		204	443		
Sri A.M.K.Nambudripad, Addl.D.M. / Prl.D.M.	1-1-45 to 31-10-45 / 1-11-45 to 31-12-45		224	464		
Mr.T.V.B.C.Colaco, Addl.D.M.	1-11-45 to 31-12-45		29	59		
Total for the court.		898	457	966	766	161
1946.						
Sri A.M.K.Nambudripad, Prl.D.M.	1-1-46 to 31-12-46		171	397		
Mr.T.V.B.C.Colaco, Addl.D.M.	1-1-46 to 16-10-46		133	304		
Sri P. Unni Krishna Kurup Addl.D.M.	from 4-11-46 to 8-12-46		20	44		
Sri P. Chandrasekhara Menon, Addl.D.M.	from 9-12-46 to 31-12-46		6	19		
Total for the court		816	330	764	854	240
1947.						
Sri A.M.Krishnan Nambudripad (Prl. District Munsif)		439	162	368	492	136
Sri P. Chandrasekhara Menon, (Addl. Dt. Munsif)		440	136	364	539	191
Total for the court		879	298	732	1031	327
1948.						
Sri A.M.Krishnan Nambudripad	from 1-1-48 to 17-4-48 (Prl.Dt.Munsif)		65	153		
Mr.D.Noronha, Prl. D.M.	from 5-6-48 to 30-9-48		55	163		
Sri P. Chandrasekhara Menon, Addl. D.M.	from 1-1-48 to 30-9-48		124	297		
Total for the court		675	244	613	1154	478
SMALL CAUSE SUITS.						
1945.						
Mr.P.A.Nazareth, Prl.D.M.	1-1-45 to 31-10-45		74	246		
Sri A.M.K.Nambudripad, Addl. D.M. / Prl. D.M.	1-1-45 to 31-10-45 and 1-11-45 to 31-12-45		41	239		
Mr.T.V.B.C.Colaco, Addl. D.M.	1-11-45 to 31.12.45		7	45		
Total for the court.		533	122	530	137	46

Name of the presiding officer.	Period presided over.	Instituted.	Disposed of After full trial	Disposed of Total	Still Pending. Total	Still Pending. Old.
1946.						
Sri A.M.K.Nambudripad, Prl. D.M.	1-1-46 to 31-12-46		42	226		
Mr.T.V.B.C.Colaco, Addl.D.M.	1-1-46 to 16-10-46		39	178		
Sri Unni Krishna Kurup Addl.D.M.	4-11-46 to 8-12-46		11	41		
Sri P.Chandrasekhara Menon, Addl. D.M.,	9-12-46 to 31-12-46			6		
Total for the court		487	92	451	179	64
1947.						
Sri A.M.Krishnan Nambudripad, Prl. Dt. Munsif.		256	35	233	107	..
Sri P. Chandrasekhara Menon, Addl. Dt. Munsif		257	42	235	118	..
Total for the court.		513	77	468	225	142
1948.						
Sri A.M.Krishnan Nambudripad, Prl. District Munsif, from 1-1-48 to	17-4-48		12	82		
Mr. D. Noronha, Prl. Dt. Munsif,	5-6-1948 to 30-9-48		13	102		
Sri P.Chandrasekhara Menon, Addl. Dt. Munsif, from 1-1-48 to	30-9-48		35	191		
Total for the court		355	60	375	207	92

DISTRICT MUNSIF'S COURT, MANGALORE.

ORIGINAL SUITS.

1945.						
Sri D. Subba Rao	1-1-45 to 16-10-45		159	320		
Mr.Mohammad Ghouse	23-10-45 to 31-12-45		37	97		
Total for the court.		400	196	417	314	54
1946.						
Mr.Mohammad Ghouse	1-1-46 to 11-9-46		112	285		
Sri V.Ramaswami Ayyar	12-9-46 to 9-12-46		41	118		
Sri K.Venkatarangaya	10-12-46 to 31-12-46		5	13		
Total for the court		455	158	416	370	64
1947.						
Sri K.Venkatarangayya	1-1-47 to 19-6-47	272	41	142	503	105
" V.Ramaswamy Ayyar	20-6-47 to 31-12-47	278	106	305	483	135
Total for the court		550	147	447	483	135

Name of the presiding officer	Period presided over.	Instituted.	Disposed of After full trial	Disposed of Total	Still pending. Total	Still pending. Old
1948.						
Sri V.Ramaswamy Ayyar	1-1-48 to 30-9-48	397	164	395	458	145

SMALL CAUSE SUITS.

1945.						
Sri D.Subba Rao	1-1-45 to 16-10-45		98	408		
Mr.Mohammad Ghouse	23-10-45 to 31-12-45		36	160		
Total for the court		514	134	568	95	15
1946.						
Mr.Mohammad Ghouse	1-1-46 to 11-9-46		38	247		
Sri V.Ramaswami Ayyar	12-9-46 to 9-12-46		4	32		
Sri K.Venkatarangayya	10-12-46 to 31-12-46		3	9		
Mr.A.M.D'Sa, Addl. Small Cause Judge	15-6-46 to 31-12-46		89	356		
Total for the court		674	134	644	134	20
1947.						
Sri K.Venkatarangayya	1-1-47 to 19-6-47	354	10	43	272	..
Sri V.Ramswami Ayyar	20-6-47 to 31-12-47	395	13	75	178	..
Mr.A.M.D'Sa, Addl Small Cause Judge	1-1-47 to 31-12-47	..	123	587	..	..
Total for the court		749	146	705	178	67
1948.						
Sri V.Ramaswamy Ayyar, Prl. Small Cause Judge	1-1-48 to 30-9-48	642	16	98		
Mr.A.M.D'Sa, Addl. Small Cause Judge	-do-		82	482		
Total for the court.		642	98	580	241	80

DISTRICT MUNSIF'S COURT, PUTTUR.

ORIGINAL SUITS.

1945.						
Mr.Mohammad Ghouse	1-1-45 to 16-10-45		152	330		
Mr.P.A.Nazareth	6-11-45 to 31-12-45		24	63		
Total for the court.		358	176	393	234	19

Name of the presiding officer.	Period presided over.	Instituted.	Disposed of After full trial.	Disposed of Total	Still pending Total	Still pending Old.
1946.						
Mr.P.A.Nazareth	1-1-46 to 14-10-46		134	338		
Mr.T.V.B.C.Colaco	17-10-46 to 31-12-46		31	101		
Total for the court		458	165	439	279	23
1947.						
Mr.T.V.B.C.Colaco		452	191	449	297	30
1948.						
Mr.T.V.B.C.Colaco	1-1-48 to 30-9-48	364	147	375	346	46

SMALL CAUSE SUITS.

1945.						
Mr.Mohammad Ghouse	1-1-45 to 16-10-45		46	212		
Mr.P.A.Nazareth	6-11-45 to 31-12-45		7	42		
Total for the court		260	53	254	52	11
1946.						
Mr.P.A.Nazareth	1-1-46 to 14-10-46		51	218		
Mr.T.V.B.C.Colaco	17-10-46 to 31-12-46		12	52		
Total for the court.		257	63	270	43	7
1947.						
Mr.T.V.B.C.Colaco		297	49	284	57	3
1948.						
Mr.T.V.B.C.Colaco	1-1-48 to 30-9-48	251	38	234	80	13

DISTRICT MUNSIF'S COURT, UDIPI.

ORIGINAL SUITS.

1945.						
Mr.D.Noronha		458 (448)	156	454	368	162
1946.						
Sri M.Ramamurthi, Prl.D.M.	1-1-46 to 18-4-46		50	125		
Mr.D.Noronha, Addl. D.M.	2-1-46 to 18-4-46 and sole D.M. 1-1-46 and 19-4-46 to 2-6-46		49	94		

Name of the presiding officer.	Period presided over.	Instituted.	Disposed of After full trial.	Disposed of Total	Still pending Total	Still pending Old.
1946.						
Mr.P.A.Nazareth	1-1-46 to 14-10-46		134	338		
Mr.T.V.B.C.Colaco	17-10-46 to 31-12-46		31	101		
Total for the court		458	165	439	279	23
1947.						
Mr.T.V.B.C.Colaco		452	191	449	297.	30
1948.						
Mr.T.V.B.C.Colaco	1-1-48 to 30-9-48	364	147	375	346	46

SMALL CAUSE SUITS.

1945.						
Mr.Mohammad Ghouse	1-1-45 to 16-10-45		46	212		
Mr.P.A.Nazareth	6-11-45 to 31-12-45		7	42		
Total for the court		260	53	254	52	11
1946.						
Mr.P.A.Nazareth	1-1-46 to 14-10-46		51	218		
Mr.T.V.B.C.Colaco	17-10-46 to 31-12-46		12	52		
Total for the court.		257	63	270	43	7
1947.						
Mr.T.V.B.C.Colaco		297	49	284	57	3
1948.						
Mr.T.V.B.C.Colaco	1-1-48 to 30-9-48	251	38	234	80	13

DISTRICT MUNSIF'S COURT, UDIPI.

ORIGINAL SUITS.

1945.						
Mr.D.Noronha		458	156	454	368	162
1946.						
Sri M.Ramamurthi, Prl.D.M.	1-1-46 to 18-4-46		50	125		
Mr.D.Noronha, Addl. D.M.	2-1-46 to 18-4-46 and sole D.M. 1-1-46 and 19-4-46 to 2-6-46		49	94		

Name of presiding officer.	Period presided over.	Instituted.	Disposed of. After full trial	Disposed of. Total.	Still pending. Total	Still pending. Old.
Mr.E.Gonsalves, Prl. D.M. 3-6-46 to 2-12-46 and sole D.M. from 3-12-46 to 31-12-46.			57	183		
Sri K.Venkatarangayya, Addl. D.M. 3-6-46 to 2-12-46			49	183		
Total for the court.		480	205	585	271	62
1947.						
Mr.E.Gonsalves		544	157	443	370	98
1948.						
Mr.E.Gonsalves	1-1-48 to 30-9-48	394	115	367	389	116

SMALL CAUSE SUITS.

1945.						
Mr.D.Noronha		597	72	538	169	92
1946.						
Sri M.Ramamurthi, Prl.D.M. 1-1-46 to 18-4-46			15	118		
Mr.D.Noronha, Addl. D.M. 2-1-46 to 18-4-46 and sole D.M. 1-1-46 and 19-4-46 to 2-6-46			23	101		
Mr.E.Gonsalves, Prl.D.M. 3-6-46 to 2-12-46 and sole D.M. from 3-12-46 to 31-12-46			8	211		
Sri K.Venkatarangayya, Addl. D.M. 3-6-46 to 2-12-46			13	189		
Total for the court.		532	59	619	84	28
1947.						
Mr. E. Gonsalves		545	52	527	106	26
1948.						
Mr.E.Gonsalves	1-1-48 to 30-9-48	445	24	416	137	24

DISTRICT COURT, SOUTH KANARA, MANGALORE, DATED 19th NOVEMBER, 1948

C. Kanthappa

DISTRICT JUDGE.

C.No.102814-E/48.

Home Department

G.O.Ms.No. 82 dated 5.1.49

Courts - Civil - South Kanara district - Appointment of an additional District Munsif to each of the District Munsifs' Courts at Mangalore and Karkal - Sanctioned

---

Read: From the High Court, ROC.No.8064/48-D2, dated 6.12.1948.

ORDER:

His Excellency the Governor of Madras sanctions --

(i) the appointment of an additional District Munsif to the District Munsif's Court, Mangalore with effect from the date on which the officer posted takes charge upto the closure of the court for the summer recess, 1949.

(ii) the appointment of an additional District Munsif to the Dist. Munsif's Court, Karkal for a period of six months with effect from the date on which the officer posted takes charge after the reopening of the court after the summer recess, 1949.

(iii) the addition to the establishments of each of the District Munsifs' Courts at Mangalore and Karkal of three clerks on Rs.45-90 (one with Shorthand qualification) and two peons on Rs.16-25 each per mensem for so long as the number of officers presiding over these courts remains at two.

2. The expenditure will be debited to "27. Administration of Justice - f. Civil and Sessions Courts - B.Mufassal Civil and Sessions Courts - Regular Establishments - Pay of Officers and Pay of Establishments" - Voted II

3. The following notification will be published in the Fort St.George Gazette:-

Notification.

Under Section 4 of the Madras Civil Courts Act, 1873 (III of 1873), as amended by Madras Act III of 1925, His Excellency the Governor of Madras, after consultation with the High Court, directs that the number of district munsifs to be appointed to each

16

of the District Munsifs' courts at Mangalore and Karkal in the district of South Kanara shall be two with effect from the date on which the officers posted take charge.

5.1.49

5.1.49.

5.1.1949

Published as notification no.97 at p.54 of Part I of the FSGG of 25/1/49.

To the Hon. the C.J.
,, Dist.Judge, South Kanara
,, A.G., through the Finance Dept.
,, Finance (Budget)dept
,, S.G.F. for publication of the notification in the Fort St.George Gazette. (para 3 only).

5/1/49

II

Letter/Ref.No. 102814 E/48-3 dated 5.1.49.

To

The Hon. the Chief Justice,
High Court of Judicature at Madras (with encl.)

5/1/49

Hon.Sir,

Courts - Civil - South Kanara Dt. - Appointment of an addl.dt.munsif each to the Dt.Munsifs' Courts at Mangalore and Karkal.

Ref: Mr.Ganpati's letter R.O.C.No.8064/48-D2, d/6.12.48.

I am directed to enclose a copy of the proceedings of the Govt. No. 82 dated 5.1.49 on the subject cited and to say that the Govt. observe that the outturn of Original Suits after full trial in the Dt.Munsifs Courts, Mangalore and Karkal appears to be inadequate ~~as compared with the standard outturn (since abolished)~~. I am directed to request that the Hon. the Judges may be pleased to instruct the District Munsifs to dispose of a large number of cases ~~with reference to the standard outturn~~ as far as possible.

will be placed before the Court (for more)

5.1.49

Yours faithfully,

5.1.49.

5.1.49.

C.No. 102814 E/48. Home Department

Courts - Civil - South Kanara Dt. - Appointment of an addl. Dt. Munsif each to the Dt. Munsifs' Courts at Mangalore and Karkal.

— · —

Fr 1-2 cf from The High Court, Roc. No. 8064/48-D2 dt 6.12.48.

— · —

The Hon'ble the Judges of the High Court have recommended as a special case —

(1) The appointment of an addl. Dt. Munsif with the usual staff of 3 clerks (one with Shorthand qualification) and 2 peons to the D.M.C., Mangalore with effect from 3.1.1949 upto the closure of the court for the summer recess, 1949; and

Jana 2, p 1 cf (2) The appointment of an addl. Dt. Munsif with the usual staff to the DMC., Karkal for a period of six months with effect from the date of reopening of the Court after the summer recess, 1949

2. The following statement shows the state of work in the DMC., Mangalore since 1945:—

Year	Original Suits Fr 10-11 cf				Small Cause Suits. Fr 11 cf			
	Ins	Dis	Dis AFT	Pen	Ins	Dis	Dis AFT	Pen.
1945	400	417	196	314 (54)	514	568	134	95 (15)
1946	455	416	158	370 (64)	674	644	134	134 (20)
1947	550	447	147	483 (135)	749	705	146	178 (67)
1948 upto 30.9.48	397	395	164	458 (145)	642	580	98	241 (80)
1.10.1948 to whole year roughly. (10½ mths)	556 Fr 11 cf				900			

It will be seen from the above statement that

The probable institutions in 1948 are likely to be the highest since 1945 under both Original Suits and Small Cause Suits. The disposals under both heads are also fairly satisfactory. The pendency under O.S. is higher than in 1945 and 1946 but less than that in 1947. The pendency under S.C. suits is the highest since 1945, being more than twice the number in 1945. The Dt. Judge has stated that there is no likelihood of reducing the arrears to any large extent with a single officer though the disposals more or less keep pace with the institutions, and that it has not been possible to extract more work from the several Dt. Munsifs in the Dt. and that the services of the Addl. Court which worked in Nidapi in 1946 may be made use of. On the basis of the standard unit of 190 O.S. fixed for the DMC., Mangalore, the pendency of 145 old original suits alone will provide sufficient work for an addl. officer for six months.

3. The following statement shows the state of work in the DMC., Karkal since 1945:-

Year	Original Suits				Small Cause Suits.			
	Ins	Dis	Dis AFT	Pen	Ins	Dis	Dis AFT	Pen
1945	440	457	143	295(58)	361	349	57	63(1)
1946	430	420	128	309(91)	335	340	46	60(15)
1947	454	431	136	349(102)	338	321	51	79(22)
1948 upto 30-9-48	408	300	79	462(139)	370	317	17	131(30)
1948 whole year roughly	570				518			

It will be seen from the above statement that the probable institutions under both heads in

1948 are likely to be the highest since 1945. The disposals under both heads are satisfactory. The pendency under both heads is the highest since 1945. The Dt. Judge has stated that the pendency in this court is not likely to be reduced in the near future with a single officer, that it has not been found possible to to extract more work from the several Dt. Munsifs in this Dt., that most of the munsifs are comparatively junior officers who lack experience, that they are found to be working hard and that their outturn in the normal circumstances cannot be regarded as inadequate. On the basis of the standard outturn of 175 O.S. fixed for the Dt. Munsif, Karkal the pendency of 139 old original suits alone will provide sufficient work for an addl. officer for six months.

M, para 4, pp 4-5 of

A K, ibid

para 7, pp 4-5 of since abolished

4. The Dt. Judge has recommended the appointment of a second addl. Dt. Munsif to the DMC, Kasaragod for a term of one year; ~~and an addl officer to the DMC, Mangalore for six months, making provision simultaneously for the transfer of the addl officer to be sanctioned to the DMC, Mangalore to the DMC, Karkal and function in the latter court for six months. and that this would involve addl expenditure on staff of 3 clerks (one with shorthand qualification) and 2 peons for each addl officer and also expenditure on accommodation in the case of the DMC, Kasaragod including furniture, typewriter etc. and that it may be necessary to take a private building on rent.~~

para 8, pp 5 of

The Hon. The Judges have, however, recommended only the appointment of an addl. Dt. Munsif each to the DMCs. at Mangalore and Karkal as stated in para 1, supra and in respect of Kasaragod consider that if early orders are not to be expected on the estt. of a DMC at Hosdrug

para 2, pp 1 of

para 6, pp 1-2 of

a second addl. Dr. Munsif at Kasaragod is urgently necessary and recommend accordingly.

In the file relating to the proposal to establish a DMC at Hosdrug, The Hon. Minister for Agriculture has minuted that the addl. Court at Kasaragod can be shifted to Hosdrug as there are large number of suits from Hosdrug sub taluk than from other parts of Kasaragod. The High Court is being asked to state whether the Hon. the judges see any objection to the ~~addl. Court~~ above proposal. That file is being treated as urgent and it does not seem necessary to proceed with the proposal to sanction a second addl. officer to the court at Kasaragod. CMS 52721 E/46 being re-submitted (file returned to R: with query.)

5. Normally the proposal to appoint an ~~Dr.~~ addl. Dr Munsif each to the DMCs at Mangalore and Karkal should have been submitted for consideration as Part II schemes for 1949-50. ~~as it could easily be foreseen from statistics of pts in each Court whether or not an addl officer will be required for reducing the pendency.~~ As the last date for cases to be considered as Part II schemes for 1949-50 was the 30th November 1948, it will not be possible to include the proposals in this file as Part II schemes for 1949-50. It is for consideration whether in view of the urgency of the case and that the expenditure is non recurring, the recommendation of the High Court will be accepted

09 DEC 1948
108128
FINANCE DEPARTMENT

6. ~~May be sent to finance for remarks~~

The extra cost involved in the proposal for 17/12/48 during the current year will be met from the existing appropriation. The High Court has asked for necessary provision being made in the B.E. for 1949-50. The case may be sent to finance for remarks

19-12-48 20/12 Fin

Fin Memo O.102814 Estt 20-12-48

5

Finance ET.

Please see the Home Dept note from p.1 ante. On the circumstances set out therein the proposals of the Home Dept (1) to sanction the appointment of an additional Dt Munsif (one with S.H allowance) with the usual staff of 3 clerks and 2 peons to the Dt Munsif's Court Mangalore with effect from 3.1.49 upto the closure of the Court for the Summer recess in 1949 and an additional Dt Munsif Court at Karkal with the usual staff for a period of six months from the date of re-opening of the Court after the Summer recess in 1949 may be agreed to subject to the following remarks:—

(a) With reference to the portion marked A on p.3 above, it is submitted that the disposals of original Suits after full trial is below the standard fixed for the courts. Hence the out-turn seems to be inadequate. Some may be perhaps be requested to see that the Dt Munsifs dispose of cases with reference to the out-turn fixed (since abolished) as far as possible, as HP has separately remarked against increase in the number of addl. Courts

(b) The extra cost works out to Rs. 9834 only recurring. H.M (Fin) may see.

(c) Home may be requested to take separate action for provision of funds with reference to para 3 on p.1 C.F.

21.12.48

Fin UO 108128 ET
22/12/48.

22/12 Home Dept

This file deals with the recommendation of the High Court for the appointment of an addl. Dt.Munsif with the usual

b/

staff of 3 clerks (one with shorthand qualification) and two peons to the Dt.Munsif's Court, Mangalore with effect from the 3rd January 1949 upto the closure of the Court for the Summer recess, 1949 and the appointment of an addl. Dist. Munsif with the usual staff to the Dist.Munsif's Court, Karkal for a period of six months with effect from the date of reopening of the Court after the Summer recess, 1949. The High Court has recommended the above appointments as a special case to reduce the high pendency. The case has been examined in detail in this Department's note on pp.1-4 supra. This department proposed to accept the recommendation of the High Court. Finance have agreed subject to the remark that the outturn of Original Suits after full trial is inadequate as compared with the standard outturn (since abolished), that the Dt.Munsifs may be instructed to dispose of cases with reference to the standard outturn ~~since abolished~~ as far as possible and that the case may be circulated to H.M.(Fin). also.

1028/4 E

4/27/12

p.5 supra

2. The extra cost of the proposal works out to Rs.9,834/- non recurring.

AM, p.5 supra

3. The case may be circulated for orders whether the recommendation of the High Court may be accepted.

23.12.48.

24/12/48

H.M.(Fin) 27/12

6.P.R

B.G.N

Please see the order in circulation and a Draft letter above. A Draft order ~~and a draft etc~~ ~~note~~ are submitted for approval. With reference to 'Q' on p.5 supra it is submitted that the expenditure on account of the proposed sanction can easily be met from the provision of Rs 51,84,000/- in the B.G. for 1949-50.

4.1.49.

SECRETARY 4 JAN 1949 GOVT. OF MADRAS

ASSISTANT SECRETARY TO GOVERNMENT 4 JAN 1949 HOME DEPARTMENT

vi 9834 - Above

X

Consulted Fin (Gen)

7

No separate action is therefore necessary. Finance (Budget) may perhaps see before issue.

W.+S.T. Fin. (Bud.) Fin

ASSISTANT SECRETARY TO GOVERNMENT 5-1-49. 5. JAN 1949 HOME DEPARTMENT 5.1.49.

Home No. 102814-E/48-2

5.1.49.

Fin Secn

The draft order may be perused and the case returned to Home

Fin. E.I

5.1.49 5.1.49

From V.O. 6411 A. SE-III-1

5.1.49

5.1.49 Home Home

ASSISTANT SECRETARY TO GOVERNMENT 1217 5. JAN 1949 HOME DEPARTMENT

/Secn 5.1.49.

(Issued as G.O.Ms. No. 82, Home, D 5.1.49.)